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The Interagency Process Behind US Policy on Taiwan

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The Interagency Process Behind US Policy on Taiwan

Introduction

“Our decision regarding arms sales to Taiwan are the result of an extensive process of interagency consultations as well as consultations with Taiwan and the Congress. We do not discuss the details of this process, except to note that the consultations are ongoing and are taking place at a high level.”

State Department Spokesman
April 16, 2001

How the US government interacts with Taiwan on economic, political, and security issues has long been a mystery to me. The US does not maintain diplomatic relations with Taiwan, which is a breakaway province of China, and the unresolved status of Taiwan is the main challenge to US relations with the People’s Republic of China (PRC). This paper will endeavor to shed light on how the current interagency process on US-Taiwan relations came into being since the US, under the Nixon Administration, began normalizing relations with the People’s Republic of China (PRC). It will examine the bilateral documents and US laws that are the foundation of US-Taiwan relations, focusing on the roles played by the people, organizations, and processes that formulate and implement US policy regarding Taiwan. US arms sales to Taiwan are now at an all time high, will illustrate the complexities of this interagency process.

Summary

Strong personalities in government and non-government institutions have influenced the evolution of US-Taiwan relations in the last half-century. Individuals and groups played the key roles—US presidents, Taiwan presidents, members of the US Congress, lobbyists and interest groups. Since the start of the Cold War, every US president since Harry Truman had to deal with balancing the US role in the US-China-Taiwan triangle. It took a staunch conservative Republican, President Richard Nixon, to initiate the opening of US-PRC relations. In the 1990s, it was Taiwan President Lee Tenghui who caused headaches for the US and China with

“unofficial” transits through the US and remarks about Taiwan having “state-to-state” relations with China.

Besides individuals, institutional tension between the executive and legislative branches of the US government has persisted in having a say or leading role in the formulation of US-Taiwan policy. Presidents Nixon, Carter and Regan reached bilateral agreements with the PRC while Congress responded with its own efforts to codify into law the limits of those agreements to safeguard the defense of Taiwan. The Taiwan Relations Act (TRA) of 1979 was the end product of Congress providing legislative specificity for arms sales to Taiwan. The Reagan Administration responded to PRC protests to the arms sales with the 1982 US-PRC Communiqué on Arms Sales to Taiwan by reducing such arms sales.

The US interagency process managing the arms sales to Taiwan has been cumbersome. Despite that, the US arms sales to Taiwan have grown significantly, totaling \$16.933 billion from 1990 to 2000.¹ Congress has attempted to draft legislation such as the Taiwan Security Enhancement Act (TSEA) to provide additional arms and improve the interagency arms sales review process. Nevertheless, the executive branch’s interagency process for Taiwan policy has evolved slowly over the last decade. The Clinton Administration’s 1994 Taiwan Policy Review examined the process of determining lead agencies for economic, political and strategic dealings with Taiwan. Some progress was made toward improving what had been a confusing bottom-up process for Taiwan arms sales and National Security Council (NSC) took a strong coordination role.

The current Bush Administration, despite media criticism of lack of China expertise, has a strong team of senior Asian policy experts, including Richard Armitage and Paul Wolfowitz. President Bush, early in his administration, expressed a commitment to do “whatever it takes”

for Taiwan defense. Ultimately, however, the Bush Administration's success in formulating Taiwan policy will be determined by several external factors: China's actions in the US-China-Taiwan triangle, Taiwan's political development, Congressional aggressiveness in Taiwan policy determinations and the influence of US defense contractors, foreign arms trade competitors and the American public, including Chinese-American groups.

US Presidents and the China Lobby

The support for Taiwan originated in partisan differences from the Cold War with conservative elements of both Republican and Democratic parties staunchly supporting US's World War II ally—the Nationalist government of Chiang Kaishek exiled to Taiwan after the Communist Party took control of the government on mainland China in 1949. Much of the 1950s McCarthyism debate was over who lost China to communism. The pro-Taiwan interest group was called the “China lobby,” which comprised Chinese-American organizations, conservative members of both political parties and religious groups such as Christian missionaries had significant historic influence on US-China policy. The China lobby is an interest group of long standing aimed at maintaining close commercial, political and security ties between Taiwan and the US.²

Richard Nixon changed the strategic calculus in the Asia by opening US-PRC relations to pave the way for ending US military involvement in Vietnam. The foundation document establishing US-PRC ties was the Shanghai Communiqué in which the US and China agreed to these basic principles:

- The PRC is the sole legal government of China and Taiwan is a province of China
- Opposition to the creation of “one China, one Taiwan,” “one China, two governments,” “two Chinas,” “an independent Taiwan” or that advocate “the status of Taiwan remains to be determined.”³

The Shanghai Communiqué set the stage for US withdrawal of all US forces and military installations from Taiwan in anticipation of normalizing US-PRC relations. Nixon was able to make this watershed policy shift because he himself came from the conservative wing of the Republican Party and the US reaped the benefits of improved relations with China without affecting US support for the defense of Taiwan based on the 1954 US-Taiwan Mutual Defense Treaty, which remained in effect. Since the Shanghai Communiqué was a statement of intent, Nixon did not have to worry about the formal steps toward diplomatic recognition of China and the legislative process that would have to involve Congress.

Congress vs. the Administration

In 1979, President Jimmy Carter took US-China relations to the next step—normalization—with the 1979 US-PRC Joint Communiqué on the Establishment of Diplomatic Relations. In it, the US formally recognized the PRC, reiterating that “there is but one China and Taiwan is part of China.”⁴ Influenced by National Security Advisor Zbigniew Brzezinski, Carter had made the decision in 1977, but other Administration officials were not in agreement out of concern over its impact on SALT II arms control negotiations.⁵ In addition, the decision was made without significant Congressional consultation. When Carter announced normalization plans in December 1978 and gave the required one-year notice to abrogate the US-Taiwan Mutual Defense Treaty in January 1979, Congress reacted to the Administration’s “sketch and incomplete”⁶ draft bill by aggressively redrafting what eventually became the Taiwan Relations Act (TRA). With bipartisan support from the new Chairman of the Senate Foreign Relations Committee Frank Church (R/Idaho), Ranking Republican Jacob Javits (D/New York) and committee members Charles Percy (R/Illinois) and John Glenn (D/Ohio), TRA gave legal framework to the “unofficial” relations with Taiwan. Whereas the Administration’s draft bill

made only “passing reference to future supplies” for Taiwan defense, Congress compensated for the abrogation of the US-Taiwan Mutual Defense Treaty by:

Making available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability... to resist any resort to force or ...coercion (threatening Taiwan security).⁷

The TRA, the cornerstone of US-Taiwan relations, was a product of executive-legislative compromise and has stood for over 20 years. Even in today’s testimony before the Senate Foreign Relations Committee, senior administration officials are required to cite the TRA or face questions by Senator Jesse Helms on the Bush Administration’s position on the law.

Taiwan Arms Sales-A Balancing Act

The Taiwan arms sales provision of the TRA has become a perennial bone of contention for US-PRC relations. During his January 1972 visit to the US, then PRC Vice Premier Deng Xiaoping made it clear that the PRC found aspects of the TRA “unacceptable.”⁸ PRC leaders repeatedly pressed the Carter and Reagan Administrations to repeal or revise the arms sales provisions of the TRA. The 1982 US-PRC Joint Communiqué on Arms Sales to Taiwan was an attempt to address this issue. The Communiqué paved the way for Premier Zhao Ziyang’s state visit to the US in January 1984 and the reciprocal visit by President Ronald Reagan to China that spring. This third Communiqué stipulated that:

- The US does not seek to conduct a “long-term policy of arms sales to Taiwan,”
- US arms sales to Taiwan will not exceed 1982 levels, and
- The US will gradual reduce sales of arms “over a period of time” to final resolution.⁹

During negotiations with the PRC on the third Communiqué, the Taiwan government presented the US government with six points to be used as guidelines in conducting US-Taiwan relations. These points became the “Six Assurances” to Taiwan to which the Reagan Administration agreed and informed Congress of this agreement, including

- The US would not set a date for termination of arms sales to Taiwan,
- The US would not alter the terms of the Taiwan Relations Act, and
- The US would not consult with China in advance of US-China arms sales.

So, as the US reached agreement on the 17 August 1982 US-PRC Communiqué to curb arms sales to Taiwan, the fix was already in with the July 1982 “Six Assurances” to Taiwan that the Communiqué would not seriously affect overall US-Taiwan relations or arms deals. The third Communiqué on scaling back arms sales to Taiwan appeared to contradict provisions of the TRA and the “Six Assurances” to Taiwan. Indeed, whatever the 1982 level of arms sales to Taiwan was, the US has far exceeded the cap with 1990-2000 arms sales to Taiwan totally over \$16.9 billion. This is an example of the US policy of “strategic ambiguity” in the US-PRC-Taiwan triangle.

The end of the Bush Administration in 1992 saw the surge to over \$7.7 billion in arms transfers to Taiwan when 150 F-16 fighters, air defense systems, and 12 anti-submarine helicopters were approved for sale. The F-16 sales came at a time when the PRC began to acquire from Russia advanced weapons such as the Su-27 aircraft—more capable than any aircraft faced by the Taiwan Air Force.¹⁰ To the fill Taiwan’s perceived need for better fighter aircraft, European defense industries pushing the Mirage 2000 to Taiwan, competing with General Dynamics’ marketing F-16s. In September 1992, on the eve of elections, President Bush reversed his earlier decision to reject Taiwan’s request for F-16s based on domestic concerns. General Dynamics had announced plans to lay off 5,800 workers as a result of the cancelled sale and a petition signed by 200 US Congressmen urging the sale and save American jobs. To quell China’s objections to the sale, in late September, Bush vetoed a congressional bill that put conditions on the renewal of China’s most-favored-nations (MFN) status for 1993-94.¹¹

Interagency Wrangling on Taiwan Arms Sales

At this point, a closer examination of the Taiwan arms sales process is useful to shed light on how this interagency process has worked in the last decade. Taiwan was not a high priority foreign policy area during the Bush and Clinton Administrations. The process was an annual cycle of requests for arms and response from US on approval or disapproval.¹² In December, a Taiwan delegation came to the US with a list of arms requirements generated by its military services, brokered by the General Staff, which meant that the Army tended to fare better than the other services. The list of arms requests was the result of Taiwan inter-service deals heavily influenced by US defense contractors lobbying in Taiwan. The December delegation presented a perfunctory analysis of why these weapons were needed and returned for a response in April of the following year.

The US government interagency process was convoluted and cumbersome. The US State and Defense Departments received the list generated by the Taiwan military for study and analysis. While DoD evaluated the technical merits of the Taiwan requests, State funneled the requests to the East Asia and Pacific Affairs Bureau (EAP) and Political-Military Affairs Bureau (Pol-Mil) under different Undersecretaries of State. EAP and Pol-Mil jointly co-chaired the working-level interagency discussions to determine if the sales meet with needs and the impact of the sale on relations with other countries. The two State organizations were culturally different—Pol-Mil was in a better position to say no to the sales than EAP, which was geographically organized to dealing with Taiwan or China as clients.

Other players included strategic interests of the National Security Council to the Pentagon and the military services. At the top, the National Security Council acted as coordinator and referee to resolve major disagreements between State and DoD. Generally, the interagency group

decided on what could be approved and the middle-ground disagreements got bumped up. Sometimes, the Pacific Command has been involved in the process to voice its position. The American Institute in Taiwan (AIT), as the de-facto US embassy to Taiwan, played a central role in coordinating the processes and issues.

This bottom-up process had been in place until the later years of the Clinton Administration when Taiwan arms sales became highly politicized and the media drew much public attention to it. In the mid-1990s, media coverage of AIT during one December Taiwan delegation visit prompted last minute arrangements to hold the talks at National Defense University where press access would be minimized.

Taiwan arms sales were sometimes referred to as the “Taiwan Bucket” which was supposed to be a yearly cap in compliance with the 1982 Communiqué calling for the US to reduce arms sales by 20 percent each year¹³. In reality, the 1992 sale of 150 F-16s to Taiwan breached this cap and subsequent sales have ignored limits imposed by the 1982 communiqué.

Clinton Administration and Taiwan

In early 1993, the Clinton Administration approved arms sales to Taiwan initially not for foreign policy reasons but for economics. In 1993 on the heels of the F-16 sales, President Clinton agreed to sell Taiwan four airborne surveillance and tracking aircraft. Like Bush 1, Clinton supported the sale of the Grumman aircraft to compete with French and other European arms dealers working the lucrative Taiwan arms market.

As cross-Strait tensions began to heat up in 1994, the Clinton Administration conducted an executive branch Taiwan Policy Review in an effort to smooth the process. The Review established rules on US dealings with Taiwan, including:

- The US authorized cabinet-level officials to visit Taiwan when appropriate, lifting a previous ban that restricted sub-cabinet level officials from visiting Taiwan and

- The US would support Taiwan membership in international organizations that do not require statehood as a basis for membership.

Meanwhile, Congress went to work on legislation to clarify US government dealings with Taiwan in an attempt to remove the existing ambiguity on arms sales. Senator Frank Murkowski (R/Alaska) successfully amended the 1994-95 Foreign Relations Authorization Act with the stipulation that “the Taiwan Relations Act takes primacy over statements of the US policy, including communiqués, regulations, directives, and policies based therein.”¹⁴ Subsequent Congressional attempts to make explicit that TRA supersedes the 1982 Joint Communiqué with China were vetoed by President Clinton. Ultimately, Congress had no budgetary authority over the sales, as the purchases were cash on the barrel transactions. Instead, it has imposed Congressional oversight through mandated reporting and testimony from Administration officials.

The legislative-executive tug-of-war over Taiwan arms sales continues today. In late 1999, power chairman of the Senate Foreign Relations Committee Senator Jesse Helms (R/North Carolina) resurrected Murkowski’s earlier efforts by proposing the Taiwan Security Enhancement Act (TSEA) to make explicit the provision of weapons for the defense of Taiwan. Co-sponsored by Senator Robert Torricelli (D/New Jersey) and 20 other senators, TSEA passed the House and threatened to insert Congress into foreign policymaking on Taiwan arms sales. The Clinton administration opposed the legislation on constitutional grounds. Vocal opposition in the Senate led by Senator Craig Thomas (R/Wyoming) and the likelihood of a presidential veto prevented the bill’s passage.¹⁵

Lee Tenghui Stirring up the Pot

Taiwan’s president throughout the 1990s, Lee Tenghui was an outside player that further complicated the interagency process. Lee took a proactive tack in pushing the envelope of

US-Taiwan relations. As the 1994 Clinton Taiwan Policy Review allowed limited cabinet visits to and from Taiwan, Lee embroiled the State Department in turmoil over his request to visit Cornell University, his alma mater, to give a speech in 1995. The Taiwan lobby had worked in advance to gain Congressional support for granting Lee a transit visa. Meanwhile, Secretary of State Warren Christopher had assured protesting PRC officials that visa would not be granted. Under pressure from a Congressional Resolution welcoming Lee to the US, President Clinton decided to grant Lee the transit visa, knowing PRC repercussions would ensue. From 1995 to 1996, cross-Strait relations hit bottom with PRC bellicosity increasing with missile and military exercises in a failed attempt to influence Taiwan democratic elections. Tensions culminated with the US sending in two carrier battle groups into the Taiwan Strait to calm down Taiwan and the PRC.

Toward the end of his presidency in 1999, Lee Tenghui touched off PRC sensitivities with a comment to a German radio interview that Taiwan was prepared to conduct “state-to-state” dialog with the PRC.¹⁶ The statement disputed the basis of US-PRC relations being the “one China” policy. Jesse Helms promptly supported Lee’s statement by calling Taiwan a “de-facto sovereign state.”¹⁷ Once more, President Clinton enunciated the US position, citing the pillars of policy toward Taiwan known as the “Three No’s”:

1. No Independence for Taiwan,
2. No “two Chinas” or “one Taiwan, one China” and
3. No membership for Taiwan in any organization for which statehood is required.

US-Taiwan Today

The interagency process of deliberating on arms sales to Taiwan has improved over the last few years. According to one US official, the Clinton Administration at the end of its tenure focused on developing better processes and timetables. The December and April “tag team”

Taiwan delegations evolved to more of an ongoing exchange of defense requirements and responses. The US government has been working with the Taiwan Ministry of National Defense to come up with a coherent strategy of what defensive weapons to request. In fact, according to EAP Deputy Assistant Secretary of Defense Kurt Campbell, DoD has developed a program of providing “software” to Taiwan, in the area of planning, training, C4I, air defense and logistics, as opposed to hardware only.¹⁸ The interagency process, in turn, has had to look at Taiwan’s defense needs more systematically. The Clinton NSC eventually played a central coordination role, replacing the bottom-up approach that was a relic of the Reagan era. In addition, AIT played a key institutional role as the keeper of the institutional memory, articulating Taiwan’s position, but also clarifying Taiwan authorities any misunderstandings in US-Taiwan policy, as in the case of the US non-concurrence on Lee Tenghui’s “state-to-state” statement.

Taiwan arms sales peaked last year. President George W. Bush approved a \$4 billion dollar deal to sell Kidd-class destroyers, P-3 Orion maritime patrol aircraft and diesel-electric patrol submarines.¹⁹ Like Clinton, Bush turned down Taiwan’s request for Aegis destroyers with Theater Missile Defense capabilities, settling for defensive weapons unlikely to tilt the delicate balance on both sides of the Strait.²⁰ Taiwan had lobbied Capitol Hill for the Aegis built at shipyard in Louisiana (home of Senate Majority Leader Trent Lott) and iron mills in Main (home state of former Defense Secretary William Cohen).²¹

On the Taiwan-PRC side of the triangle, a period of transition is taking place. Taiwan President Chen Shuibian was elected to office in March 2000, ending Lee Tenghui’s manipulation of the US political system. Less confrontational and as a result of his weaker political power base, Chen has displayed more willingness to accommodate the US and the PRC.

²² Chen has nonetheless quickly been drawn into the US executive-legislative contention over

Taiwan. In November 2001, State Department officials learned that a Taiwan-born US congressman has invited Chen to visit the US.²³ Meanwhile, during 2000-01 Taiwan elections, the PRC chose not to repeat its 1995-96 bellicose behavior, perhaps due to preoccupation with its own impending leadership transition in 2002.

Conclusion

Differences between US executive and legislative branches over US-Taiwan relations is not partisan, but institutional in nature. Six consecutive US presidents fought to maintain the lead on establishing diplomatic relations with China, terminating the US-Taiwan mutual-defense treaty and determining what arms to sell to Taiwan. Basic principles of the US-PRC-Taiwan relationship remained fixed on the three Communiqués and the Taiwan Relations Act. Presidents have placed a higher priority than Congress on improving relations with the PRC. As PRC's economy and military capabilities grew in the last decade, Congress, heavily influenced by the pro-Taiwan "China lobby," supported strengthening Taiwan's ability to defend itself from the PRC.

Individuals have played the largest role in US-Taiwan policymaking. Presidents Nixon, Carter and Reagan pushed their initiatives to improve US-China relations and laid down the US policy principles regarding Taiwan. Congressional Taiwan proponents, especially Jesse Helms, have used legislative authority to safeguard Taiwan security against any prospect of PRC aggression. The imminent retirement of Jesse Helms will remove a prominent player from this policy debate. Taiwan President Lee Tenghui's words and deeds single-handedly caused major setbacks in US-China relations and caused the US to deal with what were essentially "publicity stunts." By comparison, Lee's successor appears more cooperative and certainly less provocative. Individual players matter and have tremendous impact on the process.

With recent improvements interagency Taiwan arms sales process, the new Bush Administration may relax current guidelines on interactions with Taiwan. This is more likely as George W. Bush did not experience Lee Tenghui's manipulation of the US political system. The NSC must take a strong leading role to ensure that the interagency process does not backslide into the previous bottom-up process based on consensus. Instead, higher-level policy questions must be asked earlier: what is the threat and are these requested weapons defensive or offensive in nature. For example, the 2000 DoD Taiwan Strait Security Assessment was instrumental in leading to the decision on the sale of submarines to Taiwan.²⁴

In the past, Taiwan saw military sales as political trophies. Since the mid-90's cross-Strait tensions, there is a more realistic growing understanding that there may be a war and what might be needed in case of a conflict. This has prompted movement in Taiwan military authorities to see these weapons as useful in war fighting. The US goal is to build in strategic endurance—for Taiwan to hold on until help arrives. Consequently, the Taiwan Defense establishment may look at the arms requests less as a pass through and more in an overarching way of how they fit into Taiwan defense.

It is clear that foreign policy objectives on US-Taiwan relations are lacking. The Bush 1 and Clinton Administrations did not have adequate policy guidelines on how to conduct US-Taiwan relations, except a list of what not to do. The result is that the US has been in a reactive mode, responding to interests driven by Congress, the PRC, defense contractors or the Taiwan president. The current administration would benefit from leading the formulation of policy on US-PRC-Taiwan relations. "Strategic ambiguity" provides room for maneuvering through uncertainties, but how long can the US avoiding taking a position on what we would do if Taiwan declared independence from China or the PRC resorted to forcible reunification with

Taiwan? Such ambiguity has served its use, but now is the time to transition to substantive policy goals and objectives.

Finally, the Bush Administration must establish US-Taiwan policy in the larger context of US-China policy. As President Bush's first encounter with China was over the unfortunate EP-3 incident, both China and the US are anxious to move on to more a constructive relationship. As US-PRC military-to-military relations are being restored, US must decide on China's role in the region and the world—is it a strategic adversary or a possible ally. Since the events of September 11, the prospect of alliance with China in the war on terrorism opens up opportunities and risks. As the Bush government assesses China as an ally or an adversary, the consequences of US-Taiwan relations must, therefore, follow.

¹ Based on official US figures. "US Arms Sales to Taiwan", Arms Trade Oversight Project, <http://www.clw.org/atop/taiwan.html>

² Cecil V. Crabb, Jr., Glenn J. Antizzo and Leila E. Saredidine, Congress and the Foreign Policy Process, Louisiana State University Press, 2000, pp. 151-2

³ Shanghai Communiqué, Joint Communiqué of the United States of America and the People's Republic of China, 28 February 1972

⁴ Joint Communiqué on the Establishment of Diplomatic Relations, Joint Communiqué of the United States of America and the People's Republic of China, January 1, 1979

⁵ Cecil V. Crabb, Jr., Glenn J. Antizzo and Leila E. Saredidine, Congress and the Foreign Policy Process, Louisiana State University Press, 2000, pp. 102-109

⁶ Senator Jacob K. Javits, "Congress and Foreign Relations: the Taiwan Relations Act", *Foreign Affairs*, Fall 1981, Vol. 60, Issue 1

⁷ Taiwan Relations Act, Public Law 96-8, enacted 10 April 1979, Sections 2b and 3a

⁸ Ibid

⁹ Joint Communiqué on Arms Sales to Taiwan, Joint Communiqué of the United States of America and the People's Republic of China, August 17, 1982

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